

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Sue Lowden for US Senate and Bob)
Beers, in his official capacity as)
treasurer; Carl Giudici; Sue Lowden) MURs 6295 and 6307
(MUR 6295); Sue Lowden for US Senate)
and Bob Beers, in his official capacity as)
treasurer; Sue Lowden (MUR 6307))

CERTIFICATION

I, Shawn Woodhead Werth, recording secretary of the Federal Election Commission executive session, do hereby certify that on December 14, 2010, the Commission took the following actions in the above-captioned matters:

1. Failed by a vote of 3-1 to:

- a. Find no reason to believe in MUR 6295 that Sue Lowden, and Sue Lowden for US Senate and Bob Beers, in his official capacity as treasurer, violated 2 U.S.C. § 441a(f).
- b. Find no reason to believe in MUR 6295 that Sue Lowden, and Sue Lowden for US Senate and Bob Beers, in his official capacity as treasurer, violated 2 U.S.C. § 434(b).
- c. Find no reason to believe in MUR 6295 that Carl Giudici violated 2 U.S.C. § 441a(a)(1)(a).
- d. Dismiss the allegation in MUR 6307 that the Sue Lowden for US Senate and Bob Beers, in his official capacity as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.9(e)(2), and send a cautionary letter.
- e. Find no reason to believe in MUR 6307 that Sue Lowden for US Senate and Bob Beers, in his official capacity as treasurer, violated 2 U.S.C. § 434(b).

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- f. Find no reason to believe in MUR 6307 that Sue Lowden violated 2 U.S.C. § 441a(f) or 11 C.F.R. § 102.9(e)(2).
- g. Approve the Factual and Legal Analyses, as recommended in the First General Counsel's Report dated November 12, 2010.
- h. Approve the appropriate letters.
- i. Close the file in MUR 6295.
- j. Close the file in MUR 6307.

Commissioners Hunter, McGahn II and Petersen voted affirmatively for the motion.

Commissioner Weintraub dissented. Commissioner Walther recused himself and did not vote.

Commission Bauerly did not vote.

2. Decided by a vote of 4-0 to:

- a. Dismiss the allegation in MUR 6307 that the Sue Lowden for US Senate and Bob Beers, in his official capacity as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 102.9(e)(2), and send a cautionary letter.
- b. Find no reason to believe in MUR 6307 that Sue Lowden for US Senate and Bob Beers, in his official capacity as treasurer, violated 2 U.S.C. § 434(b).
- c. Find no reason to believe in MUR 6307 that Sue Lowden violated 2 U.S.C. § 441a(f) or 11 C.F.R. § 102.9(e)(2).
- d. Dismiss the complaint in MUR 6295 on the basis of prosecutorial discretion pursuant to Heckler v. Chaney, 470 U.S. 821 (1985).
- e. Approve the Factual and Legal Analysis for MUR 6307, as recommended in the First General Counsel's Report dated November 12, 2010.
- f. Approve the Factual and Legal Analyses for MUR 6295, as recommended in the First General Counsel's Report dated November 12, 2010, subject to the changes previously circulated.
- g. Close the file in MUR 6295.
- h. Close the file in MUR 6307.
- i. Send the appropriate letters.

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Commissioners Hunter, McGahn II, Petersen and Weintraub voted affirmatively for the decision. Commissioner Walther recused himself and did not vote. Commissioner Bauerly did not vote.

Attest:

December 16, 2010
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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